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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,445	07/19/2001	Fred S. Cook	1477	9653

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EXAMINER

NGUYEN, NGHIA D

ART UNIT PAPER NUMBER

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/909,445	COOK, FRED S.	
	Examiner	Art Unit	
	Patrick D. Nguyen	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/28/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claim 1 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the reply filed. In that paper, applicant has stated “providing at least one plurality of different communication services from the at least one location of the retail business to the wireless transceiver device over a wireless network”, and this statement indicates that the invention is different from what is defined in the claim(s) because Fig. 1 drawing does not indicate that the wireless device have to connect to the retail business location. The Wireless device connects directly to the wireless network without going through at least one location of the retail business.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-11 are rejected under 35 U.S.C. 102(b) as being unpatentable by
McGregor (US Pub.0097220)

For Claim 1, McGregor disclose a method of providing communication services, the
method of comprising:

- a) At a retail business, (retail store C3, L35) providing a wireless transceiver device (mobile phone C3, L36) to a customer of the retail configured to receive at least one of a plurality of different communication services (wireless services provider C3, L36) and provide to the customer of the retail business.
- b) Receiving in at least one location of the retail business, the plurality of different communication services to the customer of the retail business. (a mobile phone dispensing center with a wireless service provider C3, L36)
- c) Providing at least one plurality of different communication services from the at least one location of the retail business to the wireless transceiver device over a wireless network (a mobile phone dispensing center with a wireless service provider C3, L36)

For Claim 2, McGregor disclose a method of providing plurality of communication services from a system for network base services

a) Providing in at least one location of the retail business, the plurality of different service from retail business to wireless receiver.

(Mobile network services with communication device that are movable from place to place with C2, L18)

b) Providing at least one plurality of different communication services from wireless network to the wireless transceiver device to wireless network)

(Mobile network services with communication device that are movable from place to place with C2, L18)

As for Claim 3 & 4, McGregor disclose a method of providing plurality of communication services from a system for network base services comprising:

a) Receiving and Processing the request for service from one business location to the wireless network (program for transmitting and receiving local area communications. (Mobile network services with communication device that are movable from place to place with C2, L18)

As for Claim 5 McGregor disclose of contracting for the plurality of services from the network system by the retail business (a rental agency or a mobile phone dispensing center with a wireless service provider C3, L36)

As for Claim 6 McGregor disclose of renting the wireless transceiver device to the customer of the retail business for a predetermined period of time. (a rental agency or a mobile phone dispensing center with a wireless service provider C3, L36)

As for Claim 7 McGregor disclose of contracting for the plurality of services from the network system by the retail business to a representative of a wireless network (a rental agency or a mobile phone dispensing center with a wireless service provider C3, L36)

As for Claim 8, 9, 10, 11 McGregor disclose of offering the plurality of mobile communication services. It is inherent that these services include broadband, video on demand, data exchange, and voice communication services, and etc....)

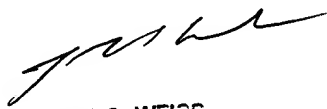
All Claims are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick D. Nguyen whose telephone number is 7038395713. The examiner can normally be reached on 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Weiss can be reached on 571272 6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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